REMARKS

In response to the restriction requirement in the Office Action mailed April 7, 2006, the Applicants respectfully traverse the restriction requirement, but provisionally elect for prosecution in this application Claims 7-12 directed to a method of reducing the risk or progression of cardiovascular disease.

The Examiner asserts that the application contains claims defining inventions which are distinct from one another. In particular, the Examiner acknowledges that the inventions defined by the claims of Groups II and IV and the inventions defined by the claims of Groups I, III, and V are related as product and process of use, but contends that the claimed product and process of use are distinct because the risk or progression of cardiovascular disease can be reduced by using a materially different product, such as aspirin, statins, HMG CoA reductase inhibitors, etc. The Examiner also contends that the risk or progression of glaucoma can be reduced by using a materially different product, e.g., beta blocker eye drops. The Examiner further contends that the risk or progression of tardive dyskinesia can also be reduced using a materially different product, e.g., bromocryptin.

The Examiner further contends that the inventions defined by the claims of Group II and the inventions defined by the claims of Group IV are unrelated. The Examiner contends that the inventions defined by these groups of claims have different modes of operation, such as in the treatment of tardive dyskinesia vs. glaucoma, etc.

It is respectfully urged that the inventions defined by the claims of all of the groups are so related that they should all be included in a single patent. This is submitted to be evident by the fact that each of the claims require the application of dextromethorphan as an essential element. Thus, all of the claims pending in the application relate to the same invention. Furthermore, the classifications which the Examiner listed for each group of claims on pages 2 and 3 of the Office Action are all the same (Class 514, Subclasses 185, 249 and 289). Accordingly, it is respectfully urged that the claims of all of the groups should be examined together and be covered by a single patent.

Furthermore, the claims of Group III (i.e., Claims 17-19), defining to a method for reducing the risk or progression of glaucoma, respectively incorporate the compositions for reducing the risk or progression of glaucoma defined by Claims 13-15 (i.e., the Group II claims), and incorporate all of the limitations of those claims from which they depend.

Similarly, the claims of Group V (i.e., Claims 25-29), defining a method of reducing the risk or progression of tardive dyskinesia disease, respectively incorporate the compositions defined by Claims 20-24 (i.e., the Group IV claims), and incorporate all of the limitations of those claims from which they depend.

Thus, it is respectfully urged that Claim 7-29 which are pending in the application are directed to the same subject matter, which subject matter is so interrelated and specific to one another that the inventions defined by the claims should be examined together and included in a single patent. Furthermore, it is respectfully urged that no additional search is required if the non-elected claims are examined with the elected claims.

In view of the foregoing remarks, withdrawal of the restriction requirement and consideration on the merits of Claims 7-29 or, if the restriction requirement is maintained, consideration of the provisionally elected Claims 7-12, is respectfully solicited. In accordance with 37 CFR 1.143, the Applicants are including an election of the invention to be examined even though the requirement is traversed. Consequently, Claims 13-29 are herewith provisionally withdrawn from consideration if the Examiner maintains the restriction requirement.

Respectfully submitted,

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